

## SCRAMBLE FOR RICE'S MONEY.

NEPHEW BLINN TELLS OF A TALK HE HAD WITH PATRICK.

Says That in the House of the Dead Millionaire and While the Body Was There the Lawyer Assured Him He Would Let Him Have \$50,000 to Take Home.

The prosecution in the case of Albert T. Patrick, the lawyer, who is charged with the murder of William Marsh Rice, made four more unsuccessful attempts yesterday (ten in all) to have the Rice will introduced as evidence. On the other hand, the defense made a very material gain through the disclosure of one of the prosecution's important witnesses and a Rice heir, relative to what he would get if the will of 1896 was probated.

Although the trial has been in progress eleven days, the testimony of one day only has been on the subject of murder. On the other ten days the prosecution has endeavored to show that Patrick, in conspiracy with Charles F. Jones, Mr. Rice's valet, tried by the forgery of a will and other tricks to get hold of the Rice millions. The proof of the will conspiracy hangs upon Assistant District Attorney Osborne's opening statement that Patrick had fixed things so that the heirs would get more by the alleged forged will of 1900 than they would if the will of 1896 was probated. That's the feature of the prosecution that was damaged yesterday by the admission of Joseph L. Blinn, a nephew of the late Mr. Rice. Blinn said that he had signed an agreement whereby he was to get \$75,000 if the will of 1896 was probated and that he would have received only \$30,000 by the second will.

There were "mental picture" exhibitions at the trial all day yesterday. The phrase has stuck hard in the minds of the lawyers on both sides and every witness is being called on to give as vividly as possible a mental picture of the trial or the other thing. The cross-examination of Norman S. Meldrum, who the day before had corroborated the greater part of Capt. Baker's testimony, was finished early in the session. He was questioned chiefly as to the handwriting of Rice.

"Give me a mental picture of Mr. Rice's handwriting," shouted Fred B. House, "give it to me in words." And the lawyer stretched out both hands toward the witness as if he was about to get something tangible.

Meldrum admitted that he could not furnish the picture called for.

The mental picture that the audience got yesterday was that of a long string of relatives leaving the home of the late Mr. Rice, two days after his death, with bags of the old millionaire's gold on their shoulders.

That impression was given by the testimony of Joseph L. Blinn of Springfield, Mass., the oldest living nephew of Rice.

"When did you first hear of Mr. Rice's death?" asked the cross-examiner.

"On Monday. He died on Sunday," replied Blinn.

Q. Who notified you? A. Jones sent me a telegram.

Q. What did you do? A. I came right to New York. I took a train at 3 o'clock Tuesday morning, got to New York at 8 o'clock, and then got to Mr. Rice's house at 8 o'clock.

Q. What did you find there? A. Jones and the body.

Q. When did Patrick come? A. About an hour later.

Q. What did Patrick say? A. He asked Jones if the undertaker had been in, and then he asked me if I wanted to know how I was coming out under the will. I said yes, so Patrick sat down and began to figure things out on the edge of a newspaper. He just lay much as if he were already dead.

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## TUNNEL TRAINS DOING BETTER.

Many Disaster Claims Settled—State Investigation Closes Here.

The New York Central authorities had less trouble yesterday than on Wednesday with their new eighteen-minute-hour schedule for trains in the Park avenue tunnel, although almost all of the incoming trains were from one to three minutes late. Some of the through trains were even late getting in, but this was owing to the fact that a new schedule, necessary on account of the changed speed conditions in the tunnel, is being fixed up for the entire line. Manager Franklin said yesterday that inside of a week or ten days he thought the new schedule would be in working order and then he hoped trains could be run on time. All of the other recommendations of the State Railroad Commission were being carried out as fast as possible, he said, but it would be some time before the glass in the signal lights could be changed, and at least three months before all the cars now running through the tunnel could be equipped with gas lamps.

Henry D. Dwyer, general claim agent of the New York Central, announced yesterday that the road had already settled a great many of the claims filed against it as a result of the disaster of Jan. 8, and that negotiations for the settlement of the majority of the other cases were now under way. Mr. Dwyer says he believes that most of the death cases will be settled out of court, but if claimants will not have a reasonable amount they will have to go to court and fight for what they consider due. If, because of undue prejudice, juries give excessive judgments, he observes, the case will go to the Court of Appeals and they will be fought vigorously.

Several of the claims against the road have turned out to be fraudulent ones, according to Mr. Dwyer, and they have been thrown out. The smallest claim settled yet was for a new derby hat in the wreck and the company bought him a new one. The State Railroad Commission closed its technical investigation of the tunnel wreck yesterday at the Fifth Avenue Hotel. A large number of persons had been summoned and many others had come on hand to observe. Information, Albert E. Davis of the North Side Board of Trade presented a set of resolutions passed by his body, calling first for the introduction of a bill to give the tunnel more power in the tunnel and, second, for relieving congestion in the tunnel by running some of the suburban trains to the Bronx only, where a new station could be built.

Supt. Bronson, Signal Expert Cade and a number of other railroad officials and experts reported on the tunnel wreck. All efforts to make these men approve the single-block system proved failures. They agreed that a single block was a good thing, but they would not to it to the Park avenue tunnel with the present cramped terminal facilities.

The only new suggestion by any of the railroad witnesses was made toward the close of the session by Signal Superintendent Kitch. He thought that the elevation of signal lights in the tunnel would be a good thing, but that they would be a bad thing if they were too high, with cab windows, would be a good thing. The commission will sit in Albany next week and will hear the testimony of a number of experts, whose testimony will not be made public.

## BROTHERS WORDS MAY HANG HIM

Two Negroes Declare Boy Confessed White Plaines Murder—Accused Held.

WHITE PLAINES, Jan. 30.—On the evidence of William Boyd, his brother, Frank Boyd, the negro arrested on the charge of murdering Mrs. Isabella Allen, near her home on the night of Jan. 22, was committed to the county jail by Coroner Russell to-day to await the action of the Grand Jury, which will meet next Monday. Six hundred people were in and around the county Court house when Boyd was brought in.

John T. Connors, a Pinkerton detective, testified that William Boyd, the accused's brother, had told him that he met Frank in a saloon at Silver Lake, a short distance from where the murder occurred, about a week on the night of Jan. 22, and that he had seen him since that time. He also testified that he had seen Boyd in the saloon on the night of Jan. 22, and that he had seen him since that time.

Peter Beverly, another negro, said he had boarded a trolley car at the same time that Boyd did on the night of the murder. He also testified that he had seen Boyd in the saloon on the night of Jan. 22, and that he had seen him since that time.

The paper was put in evidence. There were several pairs of figures on it. The smaller figures in each pair, said the Assistant District Attorney, were the figures of the two negroes under the genuine will, and the larger figure for what the same person was to receive under the forged will.

"Well, what happened after the funeral service?" asked the prosecuting attorney.

"Patrick asked Jones how the body was kept," resumed Blinn, "and he said to me, 'The Coroner has got hold of this and an officer will probably have to stay here with you.'"

Q. Coroner's get hold of what? A. He did not say what he got hold of.

Q. What was said next morning? A. Patrick said to Jones, "How is the body kept?"

Q. How often did Patrick ask about the body? A. Very often. It was his first question.

Q. What else can you remember? A. Patrick came in one time and said to Jones, "I don't like the money, all right, but I don't like the body." I could see that he was pleased about the money.

Then followed the cross-examination of Blinn by Mr. House, which knocked a big hole in the case of the prosecution as far as the relative value of the two wills to at least one of the Rice kin is concerned.

Q. How many times have you been to New York to see the District Attorney? A. Four.

Q. How many times have you seen Capt. Baker? A. Not at all.

Q. Have you seen a lawyer representing Capt. Baker? A. None time ago.

Q. Have you made any arrangements to which you are to testify? A. I don't know of any.

Q. Do you remember to get \$20,000 for the will of 1896?

A. I don't know.

Q. Who told you that?

A. I don't know.

## THE CHARITIES BILL PASSED.

IT GOES THROUGH THE ASSEMBLY BY A VOTE OF 97 TO 45.

The Bill Abolishes the Local Boards of Managers of State Insane Hospitals and Concentrates Their Powers in the State Commission in Lunacy.

ALBANY, Jan. 30.—After a debate of four hours the Assembly to-day passed Gov. Odell's bill, introduced by Assemblyman Rogers of Broome county, abolishing the local boards of managers of the State insane hospitals and centralizing their powers in the State Commission in Lunacy. Eleven Republicans voted against the bill and four Democrats for it, the bill passing by a vote of 97 yeas to 45 nays. This vote indicates that the bill will pass the Senate about Tuesday next by a comfortable majority. A significant fact came out in the debate, an intimation that the bill affecting the charities and relief bills is not to be introduced, as Majority Leader Aldis announced that this was the only bill this session which would cause a lengthy discussion, and therefore no attempt was made to curtail the debate.

The task of defending the bill was assigned to Messrs. Rogers, Fowler, Wainwright, Burlett, Townsend, Monroe, Morgan and Aldis; while Messrs. Fitzgerald, Dooling, Duree, Uman, Bourke, Barrett, E. Smith (Tenn. New York), Dale (Dem. Kings), and Minority Leader Palmer spoke in opposition. The only Republican to take the floor in opposition to the bill was Mr. Plank of St. Lawrence county. Messrs. J. Allen, Bennett, Goby, G. Davis, Newcomb, Seymour and Weekes (Reps., New York) and Bradley (Rep., Kings) in explaining their reasons for voting against the bill attacked it on every ground. The other Republicans who manifested opposition to the bill were Messrs. McQuade of Oneida, who contented themselves with voting against it.

The opponents of the bill contended that although it was a measure in the interests of economy, it was nevertheless a grab for patronage, and that the bill would deprive the Governor of his executive powers which the Legislature had never before contemplated. They argued that the powers given the Governor or his committee in Lunacy, which would be exercised to do untold harm to the State's hospitals, and that was the danger of the bill. It was shown that the State Commission in Lunacy would not have the power to appoint and appointing whomsoever they saw fit as superintendents and stewards, and that with the steward and the superintendent having equal powers as regards the various departments, it would work to the disadvantage of the hospitals. The appointing of local visiting boards did not repair the great wrong that was being done by the bill. If these boards were not vested with the same powers as now enjoyed by the Boards of Managers, there would be a dual system of administration, and the various departments would be in a state of confusion.

Gloving tributes were paid to the men and women of this State who have given up their time in looking after the welfare of the State's charges, and they were defended against all attacks of mismanagement and extravagance charged by the Governor and the speakers in defending the bill. Mr. Plank said it was mean and contemptible to charge these people with extravagance, when they had been known fact that they could do nothing without the consent of the State Commission in Lunacy.

The advocates of the bill contended that there was no politics in the measure. Messrs. Monroe, Tompkins, and Aldis endeavored to show that local boards had been very busy in their duties. Mr. Aldis asserting that one board had prevented an absconding steward from being brought to justice. Mr. Monroe read from the records of the visitations of the various hospitals and showed that at the Binghamton State Hospital not a visit had been made by the local board since 1898.

Mr. Aldis said that the only change sought by the bill is in the power of appointment of the superintendents, and that was being done to give the Commission in Lunacy that power. He also read statements of the various hospitals, and said that money appropriated for one purpose had been converted to another, such as a \$25,000 house for the insane being used for other purposes. He also said that the responsibility for all the mismanagement was due to the inefficiency of the local boards of managers.

This brought the contest to a close. The Republicans who voted with Democrats against the bill were J. Allen Bennett, Blackwell, Goby, G. Davis, Newcomb, Seymour and Weekes. The Democrats who voted for the bill were Bradley, Burke, Dickey and Keenan.

THE CONDON IN COLLISION

Suggestion That She May Have Struck Missing Father Mattress.

VICTORIA, B. C., Jan. 30.—There is still no news of the missing Condon. Mr. M. S. Egerton and Mr. Grant are cruising on the coast to look for any wreckage that has come ashore there to endeavor to find a clue to her possible fate, and H. M. S. Phosidon and U. S. S. McCulloch are cruising the waters of the North Pacific between the latitude of the Columbia River and Honolulu in the hope of finding the ship of war.

That the Condon has met with an accident as a result of the heavy storm seems certain, and the greatest hope held for her is that she may have been blown ashore, as was the Strathmore in the North Pacific about six years ago.

Those who think the Condon has sunk are of the opinion that she was blown ashore, as was the Strathmore in the North Pacific about six years ago. They also think that she was blown ashore, as was the Strathmore in the North Pacific about six years ago.

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## STATE GROWING NEW FORESTS.

Forest and Game Commission Says Thousands of Trees Have Been Planted.

ALBANY, Jan. 30.—The annual report of the State Forest, Fish and Game Commission, transmitted to the Legislature to-day, says that particular attention has been given by the commission to the planting of trees on denuded tracts of land, where barren areas have been caused either by an unwise harvesting of the native lumber crop, or by fire, or both. Experiments made by the commission have shown that, at a remarkably small expense, these barren places can in time be replaced by a healthy and valuable forest growth. Thousands of trees have been successfully planted in the Catskill region, and preparations have been made to plant hundreds of thousands in the Adirondack region, and it is believed by the commission that this work has secured for the State the great problems in connection with the forest preserve.

The commission makes these recommendations: That a constitutional amendment be provided for the application of scientific conservative forestry to State lands, to the reclamation of the bill, while Senators McKinney and Odell declared that the purpose of the motion was to delay and kill the bill.

Senator White, chairman of the Codes Committee, declared that the autos should be confined to a speed of twelve miles an hour on rural highways. Senator Armstrong opposed a speed of twenty miles.

Assemblyman Kelsey to-day dropped the Assembly bill for two bills that are decided by the Commissioner of Docks of New York city. One increases the authority of the commissioner so that he may make contracts for dock improvements up to \$1,000 without the consent of the Board of Estimate and Apportionment. The other authorizes New York city to acquire property along the North River front, from Broadway street to Twenty-third street. The object of the bill is to dock and permit of handling much more freight.

The champions of the Oswego Canal improvement have completed the bill carrying out their plan of improving that canal in conjunction with the Erie Canal improvement, and to-day Assemblyman T. D. Lewis of Oswego county introduced the bill. It provides for an appropriation of \$5,000,000.

It is believed that this has been settled, something in the line of action on the canal improvement question will be taken next week. Mr. Lewis says that he is not moving any opposition to the improvement of the Oswego Canal.

Assemblyman Bedell introduced a bill prohibiting any person from purchasing all sorts of liquor for the purpose of selling it in a club, the bill was introduced by the Lord spoke of aiding the sick, hungry and naked, he meant that only their spiritual needs should be attended to. Mr. Laidlaw said that he was shocked and pained that a minister had so interpreted the injunction of the Lord.

At the afternoon session the Rev. George L. Nutt, commonly known as "the dinner-pail man," because he had entered into a society of ministers, gave his idea of the saloon. He said that his experience had taught him that the saloon is a great social organization for the study of the spiritual life, and that it is a place where the Lord's word is being taught.

Dr. R. Heber Newton said that every body who is not a Christianizing of New York wants the saloons closed. "It is better that Dr. Rainford and Bishop Potter should be arrayed against the saloon than that the subject should not be discussed at all," he said, "and if it is impossible to close the saloons, it is impossible to have a Christianizing of New York." Newton added that the most Christian things that have taken place in this city for the last twenty years were the late election and the formation of the new State.

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## AUTOMOBILE BILL SENT BACK.

RURAL SENATORS OPPOSED TO 30 MILE SPEED.

Senate Passes Brackett's Bill, That "Cale" Mitchell Opposed—Bill Increasing the Authority of the Commissioner of Docks—Rapid Transit Bill Advanced.

ALBANY, Jan. 30.—The Senate to-day disposed of a big calendar of mostly local bills. Senator Brackett's bill providing that any warrant served in Saratoga, whether issued in or outside of the village, must be first approved by a local justice, was passed.

On Senator Brackett's motion the Senate, by a vote of 20 to 17, recommitted to the Codes Committee Senator Cook's bill regulating the speed of automobiles to not more than eight miles in cities and incorporated villages and to not more than twenty miles an hour elsewhere.

Sensors Elsieberg, Trainor and Green joined Senator Brackett in urging the recommitment of the bill, while Senators McKinney and Odell declared that the purpose of the motion was to delay and kill the bill.

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